

Mercury Pollution Prevention Initiative

Voluntary Agreement

Between

The Lake Michigan Forum, Indiana Department of Environmental Management, U.S. Environmental Protection Agency And Bethlehem Steel Burns Harbor, Ispat Inland Inc. Indiana Harbor Works, and U.S. Steel Gary Works

This memorandum outlines a voluntary agreement to implement a Mercury Pollution Prevention Initiative at Bethlehem Steel Burns Harbor, Ispat Inland Inc. Indiana Harbor Works, and U.S. Steel Gary Works in Northwest Indiana.

I. Background

Bethlehem Steel Burns Harbor, Ispat Inland Inc. Indiana Harbor Works, and U.S. Steel Gary Works, each integrated steel mills operating in Northwest Indiana, are participants in the Lake Michigan Primary Metals Project (the Project). The objective of the Project is to work with members of the primary metals industry in the Lake Michigan basin to identify opportunities for pollution prevention for a range of pollutants that are of concern according to the Lakewide Management Plan for Lake Michigan. In the course of the Project, the companies have been identifying where the Lake Michigan pollutants are found and released in their industrial processes and how they are managed. The companies are also discussing opportunities for reductions of these contaminants and barriers to contaminant reduction.

The Project was initiated by the Lake Michigan Forum, a stakeholders group providing input to the U.S. Environmental Protection Agency (U.S. EPA) and federal and state agencies regarding revisions to the Lake Michigan Lakewide Management Plan. This effort has been coordinated by the Delta Institute, a nonprofit organization, through funding provided by the Joyce Foundation, a private philanthropic foundation headquartered in Chicago, Illinois.

Mercury is a pollutant of concern in Lake Michigan. While mercury releases are generally well below reporting thresholds for the Toxic Release Inventory, mercury is in use at the participating mills, and the mills are interested in responding to the growing concern about mercury in the environment. The mills intend to develop a clean sweep/pollution prevention initiative to inventory, recycle, and substitute to the greatest extent practicable mercury at their facilities.

The Mercury Pollution Prevention Initiative is fully supportive of the goals of the Lakewide Management Plan for Lake Michigan which seeks to find effective ways to reduce toxic contamination in the Lake Michigan basin. The initiative also supports the goals of the Great Lakes Binational Toxics Strategy, a joint U.S. and Canadian initiative that seeks to virtually eliminate from the Great Lakes basin persistent toxic substances resulting from human activity, particularly those which bioaccumulate. Mercury is one of the contaminants being addressed by the Binational Toxics Strategy. The initiative also supports Indiana's Mercury Program, launched by the Indiana Department of Environmental Management (IDEM).

This initiative will be managed by the individual participating companies. Periodic reports will be provided by the companies and technical support will be provided by agency

participants as needed.

II. Objectives

The key objectives of the project are as follows:

- Identify mercury uses and quantities within the facility;
- Identify potential mercury pollution sources;
- Identify mercury in the waste stream; and
- Determine mercury pollution prevention options including on-going management of mercury, recycling, and substitutions.

This effort is expected to result in the elimination of mercury use to the extent practicable, consolidation and better management of mercury, replacement of equipment containing mercury, the establishment of purchasing criteria, and development of educational initiatives for facility employees.

III. Activities To Be Conducted

A. Kickoff Meeting

Participating companies will meet with IDEM and U.S. EPA to identify potential sources of mercury that would be examined during the inventory. IDEM and EPA will provide a generic list of typical mercury sources to augment a list of sources particular to integrated steel mills.

B. Inventory

Participating companies will conduct an inventory of:

- 1) Current and on-going purchases of mercury and mercury containing equipment and material;
- 2) Mercury in use at the facilities in equipment and materials, and liquid mercury in storage.
- 3) The presence of mercury in waste streams such as blast furnace sludge, sinter plant pollution control dust or sludge, and coke oven by-product plant wastes.

A summary report of the inventory will be prepared and submitted to the Lake Michigan Forum, IDEM, and U.S. EPA.

C. Identify Alternatives

After the inventory is completed, the participants will identify alternatives to mercury-containing equipment and materials. To identify alternatives, the participants will evaluate information provided by the Mercury Work Group of the Binational Toxics Strategy, IDEM's Office of Pollution Prevention and Technical Assistance, and other experts.

D. Identify Recycling Options

Participating companies will work together to provide a list of recycling options. IDEM and U.S. EPA will provide input into the list.

E. Reduction Plan

Based on the inventory and research into alternatives to mercury use and recycling options, participants will prepare reduction plans that will indicate reduction goals, actions to be taken to reach goals, and an implementation and reporting schedule. The reduction plans will be provided to the Lake Michigan Forum, IDEM's Office of Pollution Prevention and Technical

Assistance, and U.S. EPA's Great Lakes National Program Office.

IV. Milestones and Schedule

The following milestones and schedule are set forth for this initiative.

<u>Milestone</u>	<u>Completion Date</u>
A. Kickoff Meeting	October 1, 1998
B. Inventory	
C. Inventory Report Submission	April 1, 1999
D. Mercury Use Alternatives	
E. Collection and Recycling Alternatives	
F. Reduction Plan Report Submission	December 1, 1999

V. Roles

Participating Companies

Bethlehem Steel Burns Harbor, Ispat Inland Inc. Indiana Harbor Works, and U.S. Steel Gary Works will implement the activities outlined in Section III and meet the milestones outlined in Section IV.

IDEM

IDEM will provide information on mercury sources, alternatives for mercury use, and recycling options as outlined in Section III. IDEM will receive and review progress reports listed in Section IV. Reports will be made available to the public.

U.S. EPA

U.S. EPA will provide information on mercury sources, alternatives for mercury use, and recycling options as outlined in Section III. U.S. EPA's Great Lakes National Program Office will solicit input from the Mercury Work Group of the Binational Toxics Strategy as requested by the participating companies. U.S. EPA will receive and review progress reports listed in Section IV. Reports will be made available to the public.

Lake Michigan Forum

The Lake Michigan Forum will receive and review reports as outlined in Section IV. The Lake Michigan Forum will promote the initiative and progress made under it to Lake Michigan stakeholders (e.g., state and tribal agencies, industry, environmental organizations, recreation, local government, academia, etc.) Reports will be made available to the public.

VI. Special Terms and Conditions

- A. The parties shall attempt to secure reasonable funding to allow for the successful completion of the activities described in this agreement. However, nothing in this agreement or elsewhere shall be construed as obligating the parties to provide money, goods, or services of any kind. This agreement does not, by itself, provide any party with a basis for a claim of legal action.
- B. Any of the parties may unilaterally withdraw at any time from this agreement by transmitting a signed written document to that effect to the other signatories.
- C. The parties understand that this agreement does not diminish their obligations to comply with local, state, and federal environmental statutes and regulations.

D. Nothing in this agreement prohibits any of the parties from entering into similar agreements with other entities.

E. The participation of the parties in this agreement does not imply or express an endorsement of any policy or position advocated by the other parties nor of any good or service offered by the other parties.

VI. Signatures

Janet Vail
Co-Chair
Lake Michigan Forum

Date

John Hamilton
Commissioner
Indiana Department of Environmental Management

Date

David A. Ullrich
Acting Regional Administrator
U.S. Environmental Protection Agency, Region V

Date

Walter N. Bargerion
President
Bethlehem Steel Burns Harbor

Date

John M. Hanak
Vice President and General Counsel
Ispat Inland Inc. Indiana Harbor Works

Date

Charles G. Carson
Vice President of Environmental Affairs
U.S. Steel Group

Date